

1 JASON M. FRIERSON
2 United States Attorney
3 Nevada Bar No. 7709
4 KIMBERLY M. FRAYN
5 Assistant United States Attorney
6 501 Las Vegas Boulevard South, Suite 1100
7 Las Vegas, Nevada 89101
8 Telephone: 702.388.6336
9 Kimberly.Frayn@usdoj.gov
10 *Attorneys for the United States*

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

KELLY ANN MOGAVERO,

Defendant.

Case No. 2:15-CR-00074-JAD-NJK

**Stipulation To Continue Supervised
Release Revocation Hearing
(First Request)**

17 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M.
18 Frierson, United States Attorney, and Kimberly M. Frayn, Assistant United States
19 Attorney, counsel for the United States of America, and Rene L. Valladares, Federal
20 Public Defendant and Benjamin F. Nemec, Assistant Federal Public Defender, counsel
21 for Kelly Ann Mogavero, (“Mogavero”), that the supervised release revocation hearing
22 in the abovementioned case, which is currently scheduled for December 27, 2023 at 2:30
23 p.m., be continued and reset to a date and time convenient to this Court, but not sooner
24 than 60 days from the current hearing date for the following reasons:

25 1. On or about November 29, 2023, Mogavero appeared on the petition
26 seeking to revoke her supervised release and was released on conditions, including home

1 confinement with electronic monitoring pending a the supervised release revocation
2 hearing, which is currently scheduled for December 27, 2023 at 2:30 p.m..

3 2. Government counsel is going to be out of the District on the current
4 December 27th hearing date.

5 3. The parties have agreed to continue the supervised release revocation
6 hearing for at least 60 days. Mogavero is under investigation by the FBI for a Covid-19
7 Relief Funds violation. Mogavero has retained counsel, Mace Yampolsky, Esq., in
8 connection with the fraud matter. The parties have agreed to try to negotiate a global
9 resolution to include the revocation violations and the fraud matter. Assistant Federal
10 Public Defender Nemec has requested access to the discovery in the fraud case and will
11 need additional time to review it before attempting to negotiate the case.

12 4. If an agreement cannot be reached, the parties will need additional time to
13 adequately prepare for the revocation hearing.

14 5. The defendant is at liberty and will not be unduly prejudiced by the brief
15 delay requested herein.

16 6. The parties agree to the continuance.

17 7. The additional time requested herein is not sought for purposes of delay,
18 but merely to allow the government continuity of counsel and sufficient time within
19 which adequately prepare for the revocation hearing. Additionally, denial of this request
20 for continuance could result in a miscarriage of justice, and the ends of justice served by

21 / / /

22 / / /

23 / / /

24

25

26

1 granting this request, outweigh the best interest of the public and the defendant in a
2 speedy hearing.

3 8. This is the first stipulation to continue the hearing.

4 DATED this 15th day of December, 2023.

5 RENE L. VALLADARES
6 Federal Public Defender

7 */s/ Benjamin F. Nemec*
8 By _____
9 Benjamin F. Nemec
Assistant Federal Public Defender

JASON M. FRIERSON
United States Attorney

10 */s/ Kimberly M. Frayn*
11 By _____
12 KIMBERLY M. FRAYN
13 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
KELLY ANN MOGAVERO,
Defendant.

Case No. 2:15-CR-00074-JAD-NJK

Findings of Fact, Conclusions of Law and Order

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. On or about November 29, 2023, Mogavero appeared on the petition seeking to revoke her supervised release and was released on conditions, including home confinement with electronic monitoring pending a the supervised release revocation hearing, which is currently scheduled for December 27, 2023 at 2:30 p.m..

2. Government counsel is going to be out of the District on the current December 27th hearing date.

3. The parties have agreed to continue the supervised release revocation hearing for at least 60 days. Mogavero is under investigation by the FBI for a Covid-19 Relief Funds violation. Mogavero has retained counsel, Mace Yampolsky, Esq., in connection with the fraud matter. The parties have agreed to try to negotiate a global resolution to include the revocation violations and the fraud matter. Assistant Federal Public Defender Nemec has requested access to the discovery in the fraud case and will need additional time to review it before attempting to negotiate the case.

4. If an agreement cannot be reached, the parties will need additional time to adequately prepare for the revocation hearing.

5. The defendant is at liberty and will not be unduly prejudiced by the brief delay requested herein.

6. The parties agree to the continuance.

7. The additional time requested herein is not sought for purposes of delay, but merely to allow the government continuity of counsel and sufficient time within which adequately prepare for the revocation hearing. Additionally, denial of this request for continuance could result in a miscarriage of justice, and the ends of justice served by granting this request, outweigh the best interest of the public and the defendant in a speedy hearing.

8. This is the first stipulation to continue the hearing.

ORDER

THEREFORE, IT IS HEREBY ORDERED that the revocation hearing in the above-captioned matters, currently scheduled for December 27, 2023, be vacated and continued to March 4, 2024, at 10:00 a.m.

DATED this 15th day of December 2023.

HONORABLE JENNIFER A. DORSEY
United States District Court Judge